

GEORGE L. HASSELBACK, ESQ. – (F0325-NMI)
O'Connor Berman Dotts & Banes
Second Floor, Nauru Building
P.O. Box 501969
Saipan, MP 96950
Telephone No. (670) 234-5684
Facsimile No. (670) 234-5683

Attorneys for Plaintiff Lisa S. Black

**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

LISA S. BLACK,)	CIVIL ACTION NO. 05-0038
)	
Plaintiff,)	
)	
vs.)	
)	MEMORANDUM IN SUPPORT
JIM BREWER, individually and in his)	OF MOTION TO COMPEL
official capacity as Acting Principal for)	
Hopwood Junior High School,)	
COMMONWEALTH OF THE NORTHERN)	
MARIANA ISLANDS PUBLIC SCHOOL)	Date : August 10, 2006
SYSTEM, and JOHN AND/OR JANE DOE,)	Time: 9:00 a.m.
)	Judge: Alex Munson
Defendants.)	

1 Plaintiff, by and through counsel and pursuant to Fed.R.Civ.P. 37 and LR 16.2CJ(d)(1),
2 hereby moves this honorable Court for an Order compelling Defendant CNMI Public School
3 System (“PSS”) to properly respond to Plaintiff’s Second Set of Requests for Production. In the
4 first round of discovery, PSS identified a myriad of justifications for Plaintiff’s termination.
5 PSS also produced 1,464 pages of documents that supposedly support the claims of PSS. In the
6 second round, Plaintiff zeroed in on the specific reasons PSS had put forth to justify Plaintiff’s
7 termination and requested to be told exactly what documents supported PSS’ contentions. PSS
8 produced an additional stack of about 451 documents but refused to identify which documents
9 supported what contentions.
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12 Merely dumping documents on a party is not a proper response to discovery. *See The*
13 *Pacific Lumber Co, et al. v. Natl. Union Fire Ins. Co., et al.*, 2005 WL 318811 (N.D. Cal) (a
14 copy of which is attached hereto) (where the Court found that a general reference to documents
15 already produced constitutes a “[c]atch-all [provision] . . . not sufficiently specific to be
16 responsive, even when combined with more specific references to evidence”) and *United States*
17 *of America v. Dick Pacific/Ghemm Joint Venture*, 2005 WL 2864745 (D. Alaska) (a copy of
18 which is attached hereto) (finding that a party cannot “simply point to all [previously provided
19 documents] as satisfying every request for production because that is not responsive to requests
20 for particular categories of documents” and ordering that the non-responding party “identify the
21 responsive documents by their Bates numbers”). PSS must specifically identify which
22 documents support each of its various factual and/or legal contentions by Bates-stamp number.
23 Pointing to a pile of documents and claiming that they are PSS’ proof is not sufficient.
24 Plaintiff’s Motion to Compel should be granted.
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Plaintiff does not want to be ambushed at trial. PSS claims that it has specific reasons

1 justifying Plaintiff's termination and PSS asserts that there is proof of this in the 1,915 pages
 2 produced. Plaintiff has made a diligent review but needs to be sure that she is not overlooking
 3 anything. As an example, PSS asserts that the Plaintiff was insubordinate on many occasions.
 4 Plaintiff has searched through the 1,915 pages and has found some documents that PSS might
 5 try to introduce at trial on this point, but there could be other documents Plaintiff has missed. If
 6 Plaintiff is not told now what documents supports which contentions, it might not be possible
 7 to make appropriate *in limine* motions before trial or depose witnesses with regard to specific
 8 documents. In the end, failing to tell Plaintiff which documents support what contentions could
 9 mean a much more lengthy and laborious trial will be required.
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 12 Plaintiff made a good faith effort to resolve this discovery dispute before seeking
 13 Court's assistance. *See Declaration of George Hasselback*, filed herewith. PSS would not
 14 cooperate. Plaintiff therefore, requests that this Court order PSS to properly respond to
 15 Plaintiff's discovery by identifying by Bates number the specific documents that support each
 16 contention, and to pay the reasonable costs and attorney's fees of the Plaintiff for having to
 17 bring this Motion To Compel.¹
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 20 Dated: July 11, 2006

21 Respectfully submitted,
 22 O'CONNOR BERMAN DOTTS & BANES
 23 Attorneys for Plaintiff Lisa Black

24 By: _____/s/_____
 25 GEORGE L. HASSELBACK (F0325)

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27 ¹ See Fed.R.Civ.P. 37(a)(4) stating, in relevant part that "the court *shall*, after affording an opportunity to
 28 be heard, require that the party ... whose conduct necessitated the motion . . . to pay to the moving party the
 reasonable expenses incurred in making the motion, including attorney fees" absent several circumstances not
 present in this situation.